

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

SAMUEL HOUSTON Plaintiff)	
)	
)	
v.)	CASE NUMBER 1:06-cv-243-MEF
)	
ARMY FLEET SERVICES, L.L.C., Defendant)	(JURY DEMAND)
)	

PLAINTIFF'S MOTION TO DISMISS COUNT TWO OF THE COMPLAINT

COMES NOW THE PLAINTIFF, by and through undersigned counsel, and submits his Motion to Dismiss Count Two of his Complaint in this matter. As cause, Plaintiff states that while discovery in this matter reveals the Defendant has not complied with the technical requirements of the Family Medical Leave Act, any remedies available to him under the Act would be duplicative of his ADA claims in Count One. In the interest of judicial economy, the Plaintiff moves this Honorable Court to dismiss Count Two of his Complaint.

Respectfully submitted this 2nd day of May 2007.

/S/ JIMMY JACOBS

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using CM/ECF system and service will be perfected upon counsel of record following this the 2nd day of May, 2007.

/s/JIMMY JACOBS

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